

Maine Revised Statutes

**Title 29-A: MOTOR VEHICLES HEADING: PL  
1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff)**

**Chapter 23: MAJOR OFFENSES - SUSPENSION AND REVOCATION  
HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff)**

**§2558. AGGRAVATED OPERATING AFTER HABITUAL OFFENDER  
REVOCATION**

**1. Crime.** A person is guilty of aggravated operating after habitual offender revocation if that person violates section 2557-A and at the time of the violation the person commits one or more of the following:

- A. OUI in violation of section 2411; [2005, c. 606, Pt. A, §12 (NEW).]
- B. Driving to endanger in violation of section 2413; [2005, c. 606, Pt. A, §12 (NEW).]
- C. Eluding an officer in violation of section 2414; [2005, c. 606, Pt. A, §12 (NEW).]
- D. Passing a roadblock in violation of section 2414, subsection 4; and [2005, c. 606, Pt. A, §12 (NEW).]
- E. Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. [2005, c. 606, Pt. A, §12 (NEW).]

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**2. Penalties.** The following penalties apply.

A. A person who violates subsection 1 commits a Class D crime for which a minimum fine of \$500 and a minimum term of imprisonment of 6 months must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]

B. A person who violates subsection 1 and at the time has one OUI conviction, one conviction for violating this section or one conviction for violating former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$1,000 and a minimum term of imprisonment of one year must be imposed, neither of which may be suspended by the court. [2009, c. 415, Pt. C, §1 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF).]

C. A person who violates subsection 1 and at the time has 2 convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$2,000 and a minimum term of imprisonment of 2 years must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]

D. A person who violates subsection 1 and at the time has 3 or more convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$3,000 and a term of imprisonment of 5 years must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]

[ 2009, c. 415, Pt. C, §1 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF) .]

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**4. Relief from habitual offender status.** The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**5. Presumption of identity.** If the name and date of birth of a person being prosecuted are the same as those of the habitual offender whose privilege to operate has been suspended, it is prima facie evidence that it is the same person.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**6. Notice to Secretary of State.** A law enforcement officer who has arrested a person for or charged a person with violating this section shall notify the Secretary of State of that action.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

#### SECTION HISTORY

2005, c. 606, §A12 (NEW). 2009, c. 54, §6 (AMD). 2009, c. 415, Pt. C, §1 (AMD). 2009, c. 415, Pt. C, §§2, 3 (AFF).

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